

08-30-01

A

08/29/01  
10887 U.S. PRO

Practitioner's Docket No MPI2000-368P1R(M)

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'" M.P.E.P. Section 601, 7th ed.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

11000 U.S. PRO  
09/942374  
08/29/01

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[X] deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10\*

[ ] with sufficient postage as first class mail.

[X] as "Express Mail Post Office to Address"

Mailing Label No. EL 791760317 US

(mandatory)

TRANSMISSION

[ ] transmitted by facsimile to the Patent and Trademark Office (703)

Date: August 29, 2001

Signature

Andrew Boyd

(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).

"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(New Application Transmittal--page 1 of 7)

Inventor(s): GLUCKSMANN, Maria Alexandra; GIMENO, Ruth; and WHITE, David

**WARNING:** 37 C.F.R. Section 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by Section 1.63, except as provided for in Section 1.53(d)(4) and Section 1.63(d). If an oath or declaration as prescribed by Section 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to Section 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in Section 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): 57242, A Novel Human G Protein-Coupled Receptor Family Member and Uses Therefor

**1. Type of Application**

This new application is for a(n)

(check one applicable item below)

- ☒ Original (nonprovisional)  
☐ Design  
☐ Plant

**NOTE:** If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

- ☐ Divisional.  
☐ Continuation.  
☐ Continuation-in-part (C-I-P).

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)**

☒ The new application being transmitted claims the benefit of prior U.S. Provisional Application No. 60/228409 filed 29-Aug-2000 under 35 U.S.C. Sections 119(e).

**3. Papers Enclosed**

**A. Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application**

97 Pages of Specification  
12 Pages of Claims  
0 Sheets of Drawing

(New Application Transmittal--page 2 of 7)

**B. Other Papers Enclosed**

4 Pages of declaration and power of attorney

1 Pages of Abstract

\_\_\_\_\_ Other

**4. Additional Papers Enclosed**

☐ Amendment to claims

☐ Cancel in this applications claims \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☐ Preliminary Amendment

☐ Information Disclosure Statement (37 C.F.R. Section 1.98)

☐ Form PTO-1449 (PTO/SB/08A and 08B)

☐ Citations

☐ Declaration of Biological Deposit

☒ Submission of Sequence Listing: Transmittal Letter for Diskette Containing Sequence Listing, paper copy (4 pages) of Sequence Listing; and computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative

☐ Special Comments

☐ Other

**5. Declaration or Oath (including power of attorney)**

☒ Enclosed (Unexecuted)

Executed by

*(check all applicable boxes)*

☐ inventor(s).

☐ legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.

☐ Not Enclosed.

**NOTE:** Where the filing is a completion in the U.S. of an International Application, or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

☐ Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of all the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. Section 1.16(e), can be filed subsequently).

☐ Showing that the filing is authorized.  
(not required unless called into question. 37 C.F.R. Section 1.41(d))

**6. Assignment**

☒ An assignment of the invention to Millennium Pharmaceuticals, Inc.

☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☒ will follow.

**WARNING:** A newly executed "STATEMENT UNDER 37 C.F.R. Section 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

**7. Fee Calculation (37 C.F.R. Section 1.16)**

A. ☒ Regular application

CLAIMS AS FILED						
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$710.00	
Total Claims (37 C.F.R. Section 1.16(c))	20	- 20 =	0	x	\$18.00	\$
Independent Claims (37 C.F.R. Section 1.16(b))	3	- 3 =	0	x	\$80.00	\$ \$80.00
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))						
		+			\$270.00	

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. Section 1.16(d).

Filing Fee Calculation \$ \_\_\_\_\_

- B. ☐ Design application  
(\$320.00--37 C.F.R. Section 1.16(f))

Filing Fee Calculation \$ \_\_\_\_\_

- C. ☐ Plant application  
(\$490.00--37 C.F.R. Section 1.16(g))

Filing Fee Calculation \$ \_\_\_\_\_

Filing Fee Calculation (50% of A, B or C above) \$ \_\_\_\_\_

8. Fee Payment Being Made at This Time

- ☒ Not Enclosed

☒ No filing fee is to be paid at this time.  
(This and the surcharge required by 37 C.F.R. Section 1.16(e) can be paid subsequently.)

- ☐ Enclosed

☐ Filing fee \$ \_\_\_\_\_

☐ Recording assignment  
(\$40.00; 37 C.F.R. Section 1.21(h))  
(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION.") \$ \_\_\_\_\_

☐ Petition fee for filing by other  
than all the inventors or person  
on behalf of the inventor where  
inventor refused to sign or cannot  
be reached  
(\$130.00; 37 C.F.R. Sections 1.47 and 1.17(i))\$

☐ For processing an application with a  
specification in a non-English language  
(\$130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k))\$

☐ Processing and retention fee

(New Application Transmittal--page 5 of 7)

(\$130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l))\$

☐ Fee for international-type search report  
(\$40.00; 37 C.F.R. Section 1.21(e)) \$

NOTE: 37 C.F.R. Section 1.21(l) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 C.F.R. Section 1.53(f) and this, as well as the changes to 37 C.F.R. Section 1.53 and 1.78(a)(1), indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of Section 1.21(l) must be paid, within 1 year from notification under Section 53(f).

Total Fees Enclosed \$ \_\_\_\_\_

## 9. Method of Payment of Fees

- ☐ Check in the amount of \$\_\_\_\_\_.
- ☐ Charge Account No. 501668 in the amount of \$\_\_\_\_\_.  
A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. Section 1.22(b).

## 10. Authorization to Charge Additional Fees

**WARNING:** If no fees are to be paid on filing, the following items should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No.\_\_\_\_\_.
- ☐ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
- ☐ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. Section 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
- ☐ 37 C.F.R. Section 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under Section 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or

(New Application Transmittal--page 6 of 13)

future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in Section 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. Section 1.136(a)(3).

☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. Section 1.311(b)).

NOTE: 37 C.F.R. Section 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee." From the wording of 37 C.F.R. Section 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

## 11. Instructions as to Overpayment

NOTE: "... Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. Section 1.26(a).

☒ Credit Account No. 501668.

☐ Refund

Date: August 29, 2001

  
SIGNATURE OF PRACTITIONER

Reg. No. . 47,066

Kerri Pollard Schray  
(type or print name of practitioner)

Tel. No.: (617) 551-3676

Millennium Pharmaceuticals  
75 Sidney Street  
Cambridge, MA 02139  
P.O. Address

Customer No.: \_\_\_\_\_

☒ Statement Where No Further Pages Added

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

☒ This transmittal ends with this page.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Glucksmann, et al.

Serial No.: To Be Assigned

Filed: Herewith

For: 57242, A Novel Human G-Protein-Coupled  
Receptor Family Member and Uses Therefor

Attorney Docket No.: MPI2000-368P1R(M)

Assistant Commissioner for Patents  
Box Sequence  
Washington, D.C. 20231

**TRANSMITTAL LETTER FOR DISKETTE CONTAINING SEQUENCE LISTING**

Dear Sir:

Enclosed is a diskette which contains a computer readable form of the Sequence Listing for the patent application filed herewith. The Sequence Listing complies with the requirements of 37 C.F.R. § 1.821. The material on this diskette is identical in substance to the Sequence Listing which is submitted herewith, as required by 37 C.F.R. § 1.821(f). The computer readable form of the sequence listing contained on the enclosed diskette is understood to comply with the requirements of § 1.824(d).

Express Mail" mailing label number EL 791760317 US

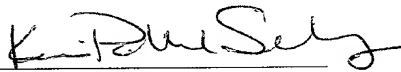
Date of Deposit August 29, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box Sequence, Washington, D.C. 20231

Signature 

Please Print Name of Person Signing - ANDREW BOYD

MILLENNIUM PHARMACEUTICALS, INC.

By 

Kerri Pollard Schray, Ph.D.

Registration No.: 47,066

Attorney for Applicant

Millennium Pharmaceuticals, Inc.

75 Sidney Street

Cambridge, MA 02139

Telephone: 617-551-3676

Facsimile: 617-551-8820